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09/449,002	11/24/1999	JOHN P. FALLON	1166/58111	5698

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EXAMINER

SMITH, RUTH S

ART UNIT	PAPER NUMBER
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3737

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 18-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed to merely generating a file containing data and therefore provide any tangible results.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,4-15,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finger or Mortimore et al. Mortimore et al discloses a method for generating a DICOM compatible file where the quantitative data is considered to be placed in a field other than an image field. It should be noted that applicant states that DICOM is the standard used in the industry to communicate medical files in electronic form. Mortimore et al disclose the use of a DICOM compatible file, see column 3, line 52, column 4, lines 39-41, column 5, line 28. Finger discloses a method for generating a DICOM compatible file where the quantitative data is considered to be placed in a field other than an image field. It should be noted that applicant states that DICOM is the standard used in the industry to communicate medical files in electronic form. Finger discloses the use of a DICOM compatible file, see column 22, lines 47-50. The use of a bone densitometer to provide a bone scan and its related data is old and well known, as disclosed by applicant. It would have been obvious to one skilled in the art to have modified Finger or Mortimore such that the image data provided is provided by a bone densitometer and the quantitative data being related to the bone scan. Such a modification merely involves the substitution of one known type of scan for another.

***Response to Arguments***

Applicant's arguments filed June 27, 2005 have been fully considered but they are not persuasive. Applicant's remarks are noted, however, the rejection of claims 1-17 stands in view of the teachings of Mortimore et al and Finger which each discloses the use of a DICOM compatible file as discussed above. Applicant's remarks are not fully understood and the claims still appear to read on the prior art of record.

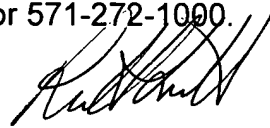
***Allowable Subject Matter***

Claims 23-27 are allowable over the prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth S. Smith whose telephone number is 571-272-4745. The examiner can normally be reached on M-F 7:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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RSS